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ASSESSING CHARTER SCHOOLS

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Charter schools continue to invite spirited debate concerning their merits or drawbacks. Supporters argue that charter schools are vehicles for an enhanced delivery of education and catalysts for broader reform of public education. Detractors see them as the beginning of a two-tiered system that threatens the goals and values of the public education system.

This paper examines the thinking behind charter schools, the pros and cons that have been advanced on their behalf, the issues involved in evaluating charter school performance, and the experience of charter schools in the United States and Alberta.

1. Introduction: The Context

The challenges of meeting the needs of the so-called 'information economy' and concerns about the cost of public education have combined to give education reform a central place on the political agenda in many jurisdictions. 'School choice' for parents has been advocated as a means of overcoming institutional and cultural resistance to education reform, and privatizing the provision of education, in whole or in part, has been championed as the way to achieve economic efficiency in education delivery. Charter schooling seems to marry both these dimensions.

Well-organized bodies of passionate stakeholders line up on either side of this issue (see **Private Education**, Issue Gateway 19). Supporters argue that charter schooling will save public education; critics argue that charter schools will greatly diminish, if not ruin, the public system. Part of what is at stake here are different perceptions of the public education system, and this is certainly relevant to the very different attitudes to charter schooling in Canada and the U.S. One can expect stronger levels of support for charter schools or other education reform proposals where there is broad agreement that public schools are 'in crisis' than in an environment where the public education system commands widespread support.

On the other hand, we may not yet know enough about charter schooling to judge it. The first charter school legislation in North America was enacted in Minnesota in 1991. As recently as five years ago (1994-95), there were only 101 charter schools in operation in the U.S., in six states. As of September 1999, 1,484 schools were in operation in 30 states and the District of Columbia; of these, more than 1,000 opened within the last two years. While the number of charter schools is growing exponentially in the U.S., it is still too early, from any social scientific perspective, to draw firm conclusions about their long-term viability and value.[1]

In Canada, only Alberta (in 1994) has passed legislation permitting the operation of charter schools. Although the legislation made provision for a maximum of 15 charter schools, the number of schools in operation the past three years has been 12 (1997-98), 9 (1998-99) and 10 (1999-00).[2] At present, no other government in Canada is on record as favouring the creation of charter schools, but the idea finds support from various groups

(noted below). Moreover, as the charter school phenomenon grows in the U.S., it becomes more likely that such schools will receive greater attention in this country.

After identifying the characteristics of charter schools more clearly, this paper will examine the pros and cons of charter schooling as presented by its advocates and critics, respectively. Out of this debate arise several issues that are critical to the evaluation of charter school experience. Although it is still 'early days' with respect to charter schooling, examination of experience in Alberta and the U.S. may prove to be informative. The paper concludes with speculation about the prospects for the growth of charter schools in Canada.

2. Definition: What are Charter Schools?

Charter schools are hybrids, for they constitute the private provision of a public education. A non-governmental body (usually a non-profit entity) is given a charter to operate a school with autonomy from local or district school boards, but otherwise in conformity with the state's education policies.[3] The 'charter' is a written agreement that grants authority to the private body on the one hand, and sets the conditions of compliance and performance which it must meet on the other.[4] A school failing to meet these conditions may have its charter revoked, and generally all charters must be renewed after a specified interval.

Charter schools receive public funding for their education programs. Commonly, this is a per pupil amount representing what the government would have spent on that pupil's education in the public system minus the administrative and capital costs of public schooling. Charter schools normally cannot charge tuition, but may levy fees for books, transportation or other expenses not funded by the state. Charter schools are usually able to raise additional funds themselves, and indeed, often would not be viable without such monies, or without the active involvement of their pupils' parents in school operations, fund-raising, etc.

The autonomy of charter schools is such that they operate under the direction of their own board, usually drawn from parents, teachers and others in the community. These boards make staffing, program and curriculum decisions and exercise complete control over their budgets. While charter schools have the flexibility to employ alternative teaching methods and offer unique curricular elements, they are also expected to provide students with an education that satisfies the state's education objectives.

In short, one might say that a charter school is expected to meet the same obligations as a public school, but has more autonomy in how it does so, while receiving less public funding to cover the costs of the effort. Charter school advocates argue that charter schooling is not an alternative to public education, but an option for improving public education. The next section examines their arguments in more detail.

(Reference is sometimes made to grant-maintained schools in Britain and education in New Zealand. In the latter case, all schools are directly funded by the state, without any intermediary bodies such as school boards or district authorities. In Britain in 1998, the Conservative government allowed the creation of grant-maintained schools, which became

self-governing and were directly funded by an agency of the national government (the Funding Agency for Schools, or FAS) rather than the Local Education Authority (LEA). The Blair government has since wound up the FAS and has required grant-maintained schools to convert to one of several LEA-funded types of schools. In either case, comparing these very different systems to North American charter schools is of limited value, and beyond the scope of this paper).

3. Arguments for Charter Schooling

There are six basic arguments advanced on behalf of charter schooling, three that are largely about what charter schooling can offer parents and students:

- Innovative Service Delivery
- Parental Control
- Serving Special Populations

and three about the benefits for the education system (and society) at large:

- Competition
- Accountability
- Efficiency

All are tied to the effect of operating a school on the basis of a revocable and renewable charter.

3.1 Innovative Service Delivery

The promise at the heart of the charter schooling movement is to improve the quality of education through innovative teaching, curriculum, and educational environments. The charter enables this by freeing educators from the inertia, constraints, or philosophical biases of established education bureaucracies or institutions such as school boards and teacher unions, or from the indifference of political officials or (some) parents. The option of charter schooling is just one of several within a larger movement that supports 'school choice' as a primary means of transforming stagnant or ineffective education systems. The more detailed propositions for the quality of programs charter schools might deliver can be divided into 'push' and 'pull' arguments.

The 'push' arguments center on dissatisfaction with the education *status quo* and scepticism about the possibilities of reform within it. This includes concerns about the quality of education, the culture of schools, safety within schools, and as noted, with the primary institutional structures. Murray Dobbin reports that in the U.S., a bipartisan commission observed that "one-fourth of high school teachers lacked college training in their subject, 40% of math teachers are not qualified, 40% of education schools lack accreditation, and 30% of teachers quit within the first three years."[5] It is not surprising then, that in the U.S., charter schools have received widespread support from liberal education reformers (including consistent championing by President Clinton). Both U.S.

Vice-President Gore and Texan Governer Bush, the two leading presidential candidates for 2000, are on record as supporting the extension of charter schooling.

The 'pull' arguments suggest that by contrast, charter schooling is means of achieving high standards, a positive value system, safe and nurturing environments, small class sizes, flexible programming and even more esoteric goods such as dress and behaviour codes. Although charter schooling is premised on autonomy from rigid educational governance structures and stakeholders resistant to change, it also generally promises to achieve its service delivery goals within a highly structured environment.

3.2 Parental Control

Secondly, charter schools promise greater opportunities for parental involvement and control over their children's education. Part of this appeal is derived from interaction with public education bureaucracies that has made parents feel ignored and unwelcome, and part from the deliberate policy of charter schools to respect and involve parents. This, in turn, can be as much a matter of necessity as of principle, since charter schools may need to rely on parental volunteerism to help address some of the resource shortfalls they face.

3.3 Serving Special Populations

Another positive output that charter schooling holds out for parents and children is the possibility of addressing the needs of special populations that are otherwise marginalized or poorly served by the educational *status quo*. For example, public education schools may not have the resources to offer separate programs for special needs students, or the ability to provide proper attention to these pupils in regular classes. Others who might benefit include minority language students, and ethnic or racial minority students. In the U.S., charter schools have been championed as a means of improving inner city schooling, where a variety of factors afflicting public schools inhibit effective education reform. The potential of charter schools to address what have seemed intractable problems in urban education, especially for 'at risk' or minority students, is what has made them attractive to individuals in the U.S. across a broad ideological spectrum.

3.4 Accountability

The arguments just noted have been about what charter schools can do for students, and one factor that is said to make those promises realizable is the greater accountability of charter schools, to the state, and to parents. Each school's charter binds it to the achievement of particular education objectives, and any failure to meet such conditions should lead to a revocation of the charter, or a refusal to grant renewal once the charter's term expires. This provides means of discipline not applicable to under-performing public schools, and should guarantee a greater responsiveness to concerns raised by education officials. Similarly, because students choose (or rather their parents choose for them) to attend charter schools, those schools that fail to live up to their promises and commitments risk losing enrolment, and with it, the only secure basis of public funding they have. Insofar as many charters require the active involvement of parents in the

governance and/or operation of schools, those who have (arguably) the greatest interest in making charter schools work are put in a position to be able to monitor performance and perhaps effect needed changes.

3.5 Competition

Closely tied to the arguments about accountability are those which stress the benefits of the competition provided by charter schooling. One part of this is the typical application of 'market rationality': since charter schools must compete with each other and with public schools for students, they are sure to engage in practices most likely to sustain their enrolment share, and these will be practices enhancing the quality of education they provide. Perhaps even more common is the suggestion that successful charter schools will improve the traditional public system, whose administrators will have every incentive to improve the quality of schooling in order to keep parents from moving their children out of the system into charter schools. Thus charter schooling can be catalyst for broader educational change in a way that private schooling (with its tuition costs) cannot be. As charter schools identify innovative education practices that work, public schools will copy them, and all students will benefit. This type of argument about competition is, of course, an essential part of the larger philosophy behind 'school choice.'

3.6 Efficiency

A further benefit of charter schooling, although one that receives less attention, is its economic efficiency. Because charter schools are controlled by their own boards, it is expected that their administration should be much cheaper than the large education bureaucracy that usually attends a public school system. In part, this means capitalizing on the volunteerism of parents and committed teachers; in part, it means taking advantage of non-union labour (both teachers and support staff); in part, it reflects deliberate policies that fund charter schools at lower rates than public schools. The economic efficiencies achievable by charter schooling depend, in turn, on some of the other factors discussed. If, for example, the autonomy granted to charter schools is high, there may be greater room to achieve savings than where schools must meet state-defined standards for equipment, facilities, staffing, etc.

4. Arguments against Charter Schooling

Critics of charter schooling argue on two fronts: one is to refute the claims which are advanced on behalf of charter schools by their advocates; the other is to draw attention to aspects of charter schooling about which their advocates remain silent.

4.1 No Need

The first issue for many critics of charter schools is the status of the *status quo* that they are designed to address. As noted, charter schooling has caught on in a big way in the U.S., in part at least, because of persistent problems in public elementary and secondary schooling. In Canada, the argument goes, there is no such crisis: the public education

system is generally working well, and whatever problems it has can (and should) be addressed by other means.

A related argument is that even if there are serious problems with the quality of the public education system, these can be better addressed by reforming the existing delivery of public education. In Ontario, for example, a variety of policy initiatives have been designed to improve the quality of education, from new curriculum, to new report cards, to increased funding and regulations focusing on classroom resources, to the creation of a college of teachers. Proposed requirements for regular teacher testing and other reforms suggest a commitment to the public education system, and there has been no official statement of support for the idea of implementing charter schooling.

Strengthening and improving the existing system is a more viable long-term solution, if, as critics suggest, the benefits of charter schooling are exaggerated or non-existent. If charter schools are laboratories for innovative practices, it is clear that successes will be balanced with failures, and it may be argued that it is an abdication of responsibility to allow any pupils to be on the receiving end of education experiments that don't work. On the other hand, the National Education Association (an American organization "committed to advancing the cause of public education," and which supports adequately regulated charter schooling) argues that for-profit charter schooling tends to homogenize the delivery of education, undermining claims to be offering innovative alternatives to traditional public education.[6] There is no reason why experiments in new ways of learning might not be undertaken within public schools. Similarly, it is possible to incorporate one of the underlying ideas behind charter schools, that of 'school choice,' within public systems.[7]

4.2 Parental Involvement

As the last point suggests, parental involvement can be enhanced without implementing charter schooling. In Ontario, the creation of School Councils gives parents and guardians a vehicle for advising school principals and boards on a variety of programs and policies.[8]

On the other hand, charter schools provide the opportunity for parental involvement to only *some* parents (at the very least because of the limited size and number of schools). To the degree that this involvement benefits students, it will only benefit those whose parents have the time and motivation to become involved. Critics argue that children should not be penalized for their parents' inability or unwillingness to become involved in school governance and operations.

The involvement of parents in charter schooling may sometimes be primarily as fundraisers or as part-time janitors, bus drivers, playground monitors, etc., tasks not all parents might be able or willing to perform. Within the charter school environment parental performance of these tasks may be necessary, but having these tasks performed by parents is not necessarily enhancing their children's education. Although it is not an argument too widely expressed, it is also possible that parents, while keenly interested in their children's education, may not be the best at evaluating which education practices are

in their children's best interest. Parental involvement needs to be balanced with professional expertise.

4.3 Selectivity

As the previous section indicates, any benefits of charter schooling will only fall to those whose parents are sufficiently motivated and able to secure a place for their child(ren) in such schools. This is just one of several concerns about equity issues. While charter schools are in theory equally open to all students within a relevant jurisdiction, the education objectives and other elements of their charter may allow them to discriminate in their admissions. The larger question is whether or not in practice the enrolments of charter schools reflect the make-up of their communities.

Critics of charter schooling suggest several scenarios in which charter schools become unduly 'selective.' Where such schools are few, under-resourced, and able to charge fees, the suggestion is that they will favour children of more affluent and well-connected parents. The arguments against such a development are similar to the arguments against the public funding of private schools: a lack of equity being foremost. In the U.S., where the politics of race is more explicit and always present on the public agenda, concern is that charter schools might become a means of re-segregating education. Similar doubts are raised about schools that serve special populations. These concerns about the make-up of student populations in charter schools are also linked to worries about the resulting effects on the diversity within public schools.

If charter schooling continues to grow, as it has in the U.S., then the real possibility exists of a two-tiered system and this has potentially serious implications for taxpayer support, for teacher morale and dedication, and could contribute to (further) deterioration of the public system.

4.4 The Detriments of Competition

Such a deterioration of the public system, charter school advocates might respond, would reflect a failure of entrenched education bureaucracies to respond to the challenges posed by charter schools. Challenging traditional public education is one of the objectives of charter schooling, and if public school systems can't meet that challenge, then it is only right that they should be supplanted by charter schools or other alternative means of education delivery. Such an argument is based on the proposition that competition always improves the product or service being produced or delivered, but this is a proposition that experience demonstrates is not necessarily true or false. It depends.

One of the effects of competition is to create the incentives to reduce costs, which, from an economic standpoint, is always salutary, but which, in terms of delivering a public good such as education, may be counter-productive.[9] A major cost of education, for example, is the salary and benefits costs of teachers. In many jurisdictions, charter school legislation may not require teachers to be members of appropriate unions or associations, or even to have certified qualifications. While this can reduce the operating costs of charter schooling, it may also threaten the quality of the education it

delivered. Similarly, the lack of public funding for particular services such as transportation or school supplies may be met by fees, or donations, or volunteer fundraising by parents and teachers. Such reductions in the public cost of schooling could have broader adverse implications if charter schools set the benchmark that public system schools are expected to meet.

A significant development in the U.S. is the existence of for-profit charter school operators. For critics and many supporters of charter schooling, this is a circumstance that undermines most of the claims of charter schools to be about innovative and effective education reform. Any profit that is generated within a charter school represents potential revenue withdrawn from the system, revenue that could be better applied to further improvements or enhancements of the educational product. An increasing number of charter schools are run by education management organizations or EMOs, for-profit companies that often work hand-in-hand with not-for-profit school sponsors, and are education's equivalent of HMOs (health management organizations). In 1998-99, for example, EMOs operated 70% of charter schools in Michigan, one of the largest charter school states.[10]

Although charter schooling has grown significantly in some U.S. states, charter schools still remain a small fraction of the total number of non-private schools. It may turn out that what works in the case of a few schools which are the exception to normal education delivery will not work when extended to the public education system as a whole. For example, charter schools attract parents with a higher level of interest and ability to be involved in the delivery of their children's education. They may attract just those students who will benefit most from their programs, and those teachers who are willing to work without the benefits of professional association and collective organization. By analogy, the success of private schools in delivering a quality education to those students whose families can afford substantial tuition does not convince many that all education should be delivered through private schools.

4.5 The Accountability / Autonomy Trade-off

Finally, critics of charter schooling argue that these schools are in fact less accountable, and as a result, often deliver an inferior education product. The autonomy that separates charter schools from normal public schools and which is embodied in their charter is a two-sided coin. On the one hand it frees charter schools from the firm control and many of the policies of the existing education bureaucracy. On the other hand, this may lead to poor management, questionable practices, and a lack of adequate oversight. Charter school legislation and individual charters can specify clear objectives and criteria that schools must meet, but monitoring and measuring the performance may not be so straightforward. In many cases, self-reporting from schools is relied upon, and this may not be an adequate means of ensuring quality.

As noted earlier, autonomy and innovation may have downsides as well as advantages. A highly individualized curriculum may fail to prepare students adequately for the next level of schooling. The trade-off between autonomy and accountability is one that bears

directly on the issue of quality, and should be a prime consideration in the design and evaluation of charter school legislation.

5. The Interests in Charter Schooling

The arguments for and against charter schooling are not the same as the interest(s) that various stakeholders have in charter schooling, but rather are employed by the latter in their attempts to influence policy-makers on this issue. At this stage at least, because the discussion of charter schooling is dominated by stakeholders, rather than by disinterested professional researchers, these interests are important to identify.

5.1 Ideology versus Context

Canada and the United States provide an interesting contrast on the role of ideology versus context with respect to the charter schooling question.

Ideologically, charter schooling is appealing to the libertarian strain within North American conservatism because it removes the delivery of public education from government bureaucracy or agencies (i.e. education departments or ministries, school districts or boards, etc.). It appeals to fiscal conservatives to the extent that if offers a cheaper model of public education delivery, and to social conservatives to the degree that it offers the ability to implement practices—whether curricular, disciplinary, or other—falling outside the contemporary liberal consensus (and educators usually measure as more 'liberal' than the general population).

Broad public attitudes toward charter schooling, however, are less likely to be determined by ideology than by the general perception of the quality of the public education system. Where that system is perceived to be failing students, support for alternatives such as charter schooling will be stronger, regardless of ideology; where there is general support for the education system (as opposed to concern about any of its component parts such as teachers, curriculum, dress code, etc.), support for charter schooling is likely to be based only or mainly on ideological grounds.

It appears that dissatisfaction with the public education system is more pronounced in the United States than in Canada, and often for good reason. The result is a much broader support for charter schooling, support that crosses ideological lines. Liberal or 'progressive' educators in the U.S. are often strong advocates of charter schooling because they too recognize the opportunity it provides to achieve reform, or to find solutions in environments where change has been resisted or otherwise not proven possible. Liberals and conservatives may have very different expectations of charter schools, and argue over the best types of charter school legislation (see discussion below), but in the U.S. both see charter schooling as a means of overturning the *status quo*.

In Canada, by contrast, the most vocal advocates for charter schooling are social and fiscal conservatives, and the circumstance that Canada's only charter schools have been

introduced under the Klein government in Alberta only solidifies the perception of charter schooling as a 'conservative' cause.

In short, in Canada, charter schooling is more likely to be judged on ideological grounds, often in the absence of any direct experience of charter schooling. The debate usually pits advocates against implacable foes. In the United States, charter schooling is more likely to be evaluated in light of experiences with respect to education delivery, regardless of ideology. Here the argument is more likely to be about what kind of charter schools are optimal and what legislation is likely to allow them to flourish.

5.2 Specific Stakeholders

Administrators

Education administrators (e.g. in Departments, Ministries, School Boards) are generally unfavourably disposed towards charter schooling, since it lessens their control over the delivery of education. The experience in Alberta, for example, has been that the Department has been unwilling to grant new charters, and reluctant to renew existing ones; only the ability of sponsors to appeal directly to the Minister has allowed charter schools to survive. Nonetheless, in cases where school board administrators feel their own hands are tied by existing policies or circumstances, they may favour sponsoring charter schools as a means of achieving solutions in problem areas.

Teachers

Some of the strongest opposition to charter schooling in Canada has come from teacher unions, not surprisingly, since charter schools tend to operate as non-unionized environments, with the attendant consequences for wages, benefits, security of tenure, etc. Generally, though, the arguments teachers raise against charter schools are about the quality of education they permit or tolerate.[11] Teachers in the United States have been more equivocal about charter schooling, which may reflect in part a weaker union culture, as well as frustration with inequalities created by chronic underfunding of inner-city schools and decreasing taxpayer support for public education.

Parents

The largest group with a direct interest in this issue—parents—tends to be largely unorganized and in many cases (one suspects) uninformed about this issue. In the U.S., the growing number of charter schools means there is an increasing body of parents with direct experience of charter schools, and, according to surveys, a group generally satisfied with this experience. A variety of associations and organizations focusing on education policy exist, and in performing their tasks as interest groups represent and inform members who are parents. In Canada, the position of these groups on charter schooling in most cases is reflective of their general ideological disposition. It would surprise few to learn that the think-tank The Fraser Institute is strongly supportive of charter schools (and of 'school choice' generally). Some organizations have been established with the goal of advancing school choice options, including charter schools. A typical example is the neutrally named Society for the Advancement of Excellence in

Education (SAEE), which sponsored the creation of the more explicitly focused Canadian Charter Schools Research and Professional Development Centre (CCSC).

Governments

For governments, charter schooling can be an attractive option not just because of its potential to facilitate reform and ideally enhance education outcomes, but also because it transfers capital costs and some portion of operating costs to the private sector. The downside is that offloading costs can also mean offloading control over outcomes.

Operators

For sponsors and operators generally, charter schooling can be a means of promoting a more narrowly focused or selective curriculum. Although normally legislation does not permit this to serve a religious purpose, it can cater to any number of particular pedagogical approaches (from 'back to basics' to Montessori). Another—although in Canada as yet potential— stakeholder is the educational entrepreneur. In some U.S. states, charter schools are run by for-profit operators, and some of the possible consequences have been noted above. Operators, and perhaps more importantly, potential operators of for-profit charter schools have a clear incentive to organize and lobby to protect their interests on this issue.

6. How to Assess Charter School Experience

The discussion so far suggests that charter schooling cannot be assessed simply on the basis of ideological principles. A variety of competing claims are made on behalf of, and against, charter schools. Moreover, many of the loudest voices in this debate are parties with a real interest that is affected by the presence or absence of charter schools. Charter schooling is best assessed by analyzing, in context, its successes or failures, that is, an examination in relation to the *status quo* or to what preceded the implementation of charters. The remainder of this paper will report on such examinations that have been done with respect to charter schooling in the U.S. and Alberta, and will employ the categories discussed earlier with respect to the pros and cons of charter schooling. One prior but crucial variable is the nature of the legislation that allows charter schooling to be established.

6.1 Charter School Laws: 'Strong' versus 'Weak'

In the U.S., as of the beginning of 2000, 36 states and the District of Columbia had passed charter school laws, and at the beginning of the 1999-00 school year, 30 states and the D.C. had operational charter schools.

Charter school advocates often make a distinction between what they call 'strong' laws, which allow the greatest autonomy for the schools, and 'weak' laws, where significant regulation by state or local education authorities is retained. Charter schooling advocates, such as the Center for Education Reform (CER), have tended to call for 'strong' laws, arguing that weak laws prevent charter schools from opening, or having opened, from flourishing. On the other hand, as charter schools have proliferated, some charter school

advocates have joined charter schooling critics in expressing concern that 'strong' laws give too much autonomy and do not provide enough accountability to prevent mismanagement and abuses.[12] The criteria used by CER to rank state laws are listed below.

'Strong' versus 'Weak' Charter School Laws

According to the Center for Education reform, the following 10 criteria can help determine whether a charter school law is expansive (strong) or restrictive (weak):

1) **Number of schools**: Strong laws allow an unlimited or substantial number of schools with considerable autonomy; weak laws restrict the number of schools or in various ways the degree of their autonomy.
2) **Multiple chartering authorities / binding appeals process**: Strong laws permit "a number of entities in addition to or instead of local school boards to authorize charter schools, or provide applicants with a binding appeals process"; weak laws vest authority in a single entity, often the local school board, and may provide only an advisory appeals process.
3) **Variety of applicants**: Strong laws allow a broad range of individuals or groups to start charter schools; weak laws limit eligibility to public schools or public school personnel.
4) **New starts**: Strong laws permit new schools to start up, or allow for private-school conversions, for-profit companies, and home-based charter schools; weak laws only allow conversions of existing public schools.
5) **Formal evidence of local support**: Strong laws permit charter schools to be initiated without demonstrating specified levels of community support; weak laws require such evidence.
6) **Automatic waiver from laws and regulations**: Strong laws exempt charter schools "from most or all state and district education laws, regulations, and policies"; weak laws provide no such exemptions, or require charter schools to negotiate waivers with authorities.
7) **Legal / operational autonomy**: Under strong laws, "charter schools are independent legal entities (non-profit organizations, for example) that can own property, sue and be sued, incur debt, control budget and personnel, and contract for services"; under weak laws, charter schools "remain under district jurisdiction."
8) **Guaranteed full funding**: Strong laws provide charter schools with "100% of per-pupil funding (based on average state or district per-pupil costs, as well as federal categorical funding)"; weak laws set funding below 100%, or levels must be negotiated.
9) **Fiscal Autonomy**: Strong laws give charter schools complete control over their own budgets; weak laws leave control of funds with the education district (board).
10) **Exemption from collective bargaining agreements / district work rules**: Strong laws "give charter schools complete control over personnel decisions (hiring, firing, salary structure, etc.)"; weak laws leave charter school teachers subject to "district collective bargaining agreements or work rules."

{Source: Center for Education Reform at http://www.edreform.com/charter_schools/laws/ranking_2000.htm}

According to its latest ranking (April 2000) of state charter school laws, The Center for Education Reform identifies 19 jurisdictions as having 'strong laws,' and 18 states with 'weak laws'. This is a significant change from the 1998 rankings in which 24 jurisdictions were rated with strong laws and 11 with weak. The change reflects changes to legislation brought about in response, in part, to concerns about accountability and quality. The rankings and numbers of schools, by state, are provided in Table 1.

Table 1
State Charter Schools and Legislation Rankings
Winter, 1999

Schools Operating September 1999		Schools April 2000	Rank April 2000	Rank 1998 (Yr. Passed)	Schools Operating September 1999		Schools April 2000	Rank April 2000	Rank 1998 (Yr. Passed)
States with 'Strong Laws'									
Arizona	222	352	1	1 ('94)	N. Carolina	78	75	11	8 ('96)
Michigan	146	173	2	2 ('93)	Pennsylvania	48	47	12	16 ('97)
Minnesota	54	59	3	6 ('91)	Colorado	68	65	13	12 ('93)
D.C.	28	31	4	3 ('96)	Missouri	15	18	14	15 ('98)
Delaware	5	5	5	4 ('95)	S. Carolina	10	11	15	11 ('96)
Massachusetts	39	39	6	5 ('93)	Oregon	-	4	16	- ('98)
Texas	168	167	7	9 ('95)	New Jersey	49	48	17	17 ('96)
California	210	239	8	10 ('92)	Oklahoma	-	0	18	- ('98)
Florida	109	111	9	13 ('96)	Wisconsin	40	55	19	18 ('93)
New York	5	5	10	7 ('98)					
States with 'Weak Laws'									
Illinois	20	28	20	20 ('96)	Alaska	18	17	29	26 ('95)
N. Hampshire	0	0	21	19 ('95)	New Mexico	3	3	30	33 ('93)
Georgia	31	32	22	21 ('93)	Hawaii	2	2	31	32 ('94)
Ohio	46	48	23	23 ('97)	Wyoming	-	0	32	29 ('95)
Louisiana	10	17	24	14 ('95)	Rhode Island	2	2	33	28 ('95)
Idaho	8	8	25	24 ('98)	Arkansas	-	0	34	34 ('95)
Nevada	1	5	26	27 ('97)	Virginia	-	0	35	30 ('98)
Connecticut	17	16	27	22 ('96)	Kansas	15	15	36	31 ('94)
Utah	6	3	28	25 ('98)	Mississippi	1	1	37	35 ('97)

{Source: Rankings from the Center for Education Reform at http://www.edreform.com/charter_schools/laws/ranking_2000.htm , number of charter schools for September 1999 from the U.S. Department of Education, *The State of Charter Schools 2000,* for April 2000 from the Center for Education Reform. Note that the DOE counts a single charter operating at multiple sites as one school; it is not clear how the CER treats this situation.}

The fact that 26 of these jurisdictions have passed their charter school legislation in the last four years indicates not only how recent a phenomenon charter schooling is, but also its elevated prominence on both the public and official political agendas.

The total number of schools in operation according to *The State of Charter Schools 2000* was 1,484 in September 1999, of which 421 were new schools. The CER count as of April 2000 was 1,701 schools.

An alternative set of criteria for assessing charter school legislation is provided and has been applied by the American Federation of Teachers, which supports charter schools, but insists that they must be accountable and responsible to public standards, institutions and regulations:

AFT Criteria For Evaluating Charter School Legislation

According to the American Federation of Teachers, the following 11 criteria can help determine whether a charter school law is "public and properly structured":

1) Tuition free: Access should not be limited to those who can afford to pay fees. If charter schools are to receive public funds, all students must have the opportunity to attend.

2) No private school 'conversions': Private schools that convert to charter schools must not be able to maintain exclusive attendance policies, promote religious viewpoints, or discriminate on the basis of race, ethnicity, or gender.

3) Inclusive to special needs students: Charter schools must provide an appropriate education to all children, including those with special needs or a disability.

4) Accountable to the public: Charter schools must report to the public (not just parents of students attending the school) the expenditure of funds and administration of programs.

5) Same standards as public schools: Charter schools must adopt the same high academic and conduct standards that public schools are adopting.

6) Same tests as public schools: Charter schools should be subject to the same testing requirements of the state and school district.

7) Collective bargaining rights: Charter school employees must have the full right to bargain collectively.

8) Employee benefits: Charter schools must provide the same retirement and health benefits as public schools.

9) Approval of local school district: School charters must be given approval by the local school district.

10) Health and safety standards: Charter schools must meet all health and safety codes and regulations.

11) Sunshine laws: All dealings of the charter must be subject to the same open process that governs other schools.

{Source: American Federation of Teachers at http://www.aft.org/research/reports/charter/csweb/states.htm}

6.2 Government Support

Apart from legislation, another key element is the level of government support for charter schools. As noted, charter schools often face barriers because of their inability to access the same level of funding as public schools. This can be particularly critical if there is no access to start-up or capital funds, as is the case in Alberta. In the U.S., support for charter schools varies greatly at the state level, but has been growing steadily at the federal level. President Clinton has emphasized charter schools as a key component of education reform in each State of the Union address since 1996. The Clinton-Gore budget for fiscal 2001 contained $175 million in funding for charter schools, up considerably from the $18 million spent in 1996, and the $6 million allocated when the program first started in 1995.[13] The *4th Year Report* notes for 1998-99 a significant drop

in the number of schools citing difficulties with start-up funds, a change attributed to the increased levels of federal funding.[14]

7 CHARTER SCHOOLS IN THE UNITED STATES

Proponents argue that while charter schools have not been in operation long enough for definitive evaluation, a number of encouraging trends can be seen. According to well-known charter schooling advocate Joe Nathan: "charter schools can have a positive effect on student achievement, attendance and attitude ... [and] are serving many youngsters who have not succeeded in traditional public schools."[15] The ability to demonstrate that charter schools consistently deliver positive educational results is critical to ongoing support for charter schooling, and yet that evidence, beyond favourable anecdotal accounts, seems difficult to gather. Part of the challenge here remains the recent birth of charter schooling in general, and of most individual schools in particular. Another part, no doubt, is the difficulty of quantifying outcomes which are qualitative in nature. It may also be that most of the studies have been performed by advocates or critics of charter schooling, rather than disinterested education researchers (if such exist).

Writing in 1996, Linda Jacobson observed that there have not been many thorough studies of learning outcomes in charter schools because "many independent researchers at colleges and universities and the major research organizations shied away from this politically charged subject, which has often been linked with vouchers and privatization. [As a result,] the field was left primarily to supporters and critics of the charter movement."[16] While it may be true that some schools have now been operating long enough for an assessment of their performance, these account for only a small fraction of the schools now operating, and therefore, are not necessarily representative of the whole.

Quite apart from being authored by individuals on record as strongly supporting or opposing charter schools, many studies took place in the beginning years of charter schooling and/or focused largely on the issues of charter schooling implementation rather than on education delivery. For example, the 1997 Final Report of the Hudson Institute's *Charter Schools in Action Project* exemplifies all these tendencies: it was authored by well known charter schooling advocates such as Chester Finn, it studied 50 schools during the 1996-97 school year, and relied on four sets of quantitative data.[17] To a considerable degree this data was generated through survey instruments which required parents, teachers, and students to describe their feelings and evaluations of their charter school experience. This is meaningful information, but it is neither the most objective evaluation of charter schooling, nor data that measures the ability of charter schools to provide superior education outcomes for their students.

Unfortunately, most of the studies on charter schooling to date suffer the defects just noted: either they rely on self-reporting from charter school operators or consumers (students, parents, etc.), or they present anecdotal evidence of experience in individual schools which is not generalizable to the population of charter schools as a whole. This is even true of the massive four-year study funded by the U.S. federal Department of Education, which is discussed in the next section.

7.1 The *Four Year Study of Charter Schools*

In 1995, the U.S. Department of Education initiated a four-year study—the most comprehensive of its type—of charter schools in operation in the U.S.[18] This study was undertaken by the private research firm RPP International, in conjunction with the Department of Education, the Office of Educational Research and Improvement, and the National Institute on Student Achievement, Curriculum, and Assessment. The partners issued a report after each of the study's four years.

The object of the *First Year Report* was to "describe the range of charter implementation circumstances [the founding of charter schools] and issues that have emerged in this early stage of charter implementation."[19] The *Report* goes on to note that future research will address the following:

- "What types of educational programs and practices do charter schools offer, and how distinctive are these approaches compared to those of other public schools?
- Under what conditions do charter schools' educational programs and practices improve (or worsen) student outcomes?
- How do charter school operations and organizational arrangements—including personnel policies, parent participation, and governance—affect their educational programs and practices?
- Do some charter schools provide models of educational programs and strategies that could be adopted by other public schools?"[20]

These are precisely the questions that policy-makers need clear answers to in order to evaluate the charter schooling experience and draw informed conclusions about the wisdom of this particular education reform. For brevity's sake, we might call these the 'outcome and policy' questions as opposed to the 'implementation' questions with which the first report dealt.

The 'outcome' questions were not answered in the *Second Year Report*, which listed them among the matters to be dealt with in "subsequent reports." Instead, the *Second Year Report* provided an update on the 'implementation' issues treated in the previous report.[21]

The Introduction to the *Third Year Report,* released in May 1999, states as follows: "This Report, the third annual report from the Study, presents interim findings that focus on describing how charter schools are being implemented. Subsequent reports will address all of the questions listed above."[22] Those questions "listed above" are the 'outcome and policy' questions which are (once more) set out in detail, along with a description of the methodology to be employed to answer them.

Finally, in February 2000, the *Fourth Year Report: The State of Charter Schools 2000* was released:

> This Report, the fourth annual report from the Study, presents findings that focus on describing how charter

> schools are being implemented. Other Study reports address the remaining questions listed above.[23]

Once again the questions "listed above" are the 'outcome' questions about student achievement and impacts on public education, and the 'policy' questions about models of education developed that public schools might use, the lessons learned from charter schooling that public education might employ, and the policy implications for state and national legislators.[24]

In short, the entire four year study ended up focusing on the 'implementation' issues of how many charter schools were started, the barriers they faced, their size, their student population, etc. These are all important sets of data. In particular, they provide information about how easy or difficult it is to establish charter schools within a variety of different legislative and social settings. They do not, for the most part, provide data about the central issue on which advocates and critics disagree: *are charter schools, in and of themselves, a worthwhile education reform initiative?*

The results of the Four Year Study, as reported in *The State of Charter Schools 2000*, include the following information:

- As of September 1999, a total of 1,484 charter schools operated on 1,605 charter school sites in 31 states and the District of Columbia, serving more than 250,000 students. This represents 0.8% of public school enrolment in the states operating charter schools.
- More than half of charter school students are found in three states: Arizona, California, and Michigan.
- Since 1992, a total of 59 charter schools have closed, almost 4% of those that have opened.
- The median enrolment at charter schools is 137 students per school, compared to a public school median enrolment of 475. The median student to teacher ration for charter schools was 16:1 compared to 17.2:1 in all public schools.
- Almost 70% of charter schools are newly created, 20% are converted public schools, and almost 10% are converted private schools.
- White students comprised 48% of charter school enrolment in 1998, compared to 59% for all public schools. In several states, charter schools enroll a much higher percentage of students of colour than do all public schools in those states. These states have 589 charter schools, or 40% of the total. On the other hand, charter schools in states with 264 schools, or 18% of the total, serve a higher proportion of white students than do all public schools in those states.
- The proportion of students qualifying for free or reduced-price lunch (a common measure of poverty) is slightly higher than the proportion in all public schools. On the other hand, the percentage of students with reported disabilities is 8%, compared to 11% in public schools in those states.[25]

This last point, like much in the study, relies on self-reporting by charter schools, and it would not be surprising if, wherever possible, school operators reported this data in ways that reflect well on their schools. The same is true of several other questions posed by the study, such as the accountability of schools, their measurement of student performance, their relationship with the local or area school boards, etc. It is relatively easy to predict the responses when asking people if they think they are doing a good job.

7.2 Evidence Confirming the Pros or Cons of Charter Schools

Bearing in mind the limitations of the data provided by the *Four Year Study* and other examinations, this section examines whether charter school experience confirms the arguments of the advocates or critics of charter schooling.

Innovative Service Delivery

There seems little in the way of conclusive evidence that charter schools have, to date, fulfilled their promise of delivering an innovative education experience to their students. As noted, after promising each year to address this question, by the fourth and presumably final report, the *Four Year Study* failed to even attempt to provide data on this question.

Well-known charter school advocate Joe Nathan has recently published a new edition of his work *Charter Schools*, originally published in 1996. The strongest evidence he is able to provide is the claim that 21 of 31 schools studied in 1998 (how these were selected is not discussed) "had clear evidence of improving student achievement."[26] Of these, five specific examples are noted. Of this particular study Seymour Sarason notes:

> Methodologically the study is seriously flawed. Ten of the 31 schools did not submit full results or any results at all; data were obtained by questionnaires and telephone calls; and the Center had no way of knowing if negative data were withheld.[27]

By contrast, writing in *Education Week on the Web*, Thomas Good and Jennifer Braden claim to have made an extensive review of the existing research on charter schools, and conclude that "hope for innovation has yet to be realized. ...To date, virtually no exciting new approaches to teaching have occurred in charter schools, despite their smaller classes and freedom from many bureaucratic structures and rules."[28] The same authors report that "student achievement, in general, has not been positively enhanced in charter schools when compared with other public schools."[29] Similar issues are discussed in a December 1999 article from the *Akron Beacon Journal*, where the authors examine the role of EMOs and their tendency to apply a "cookie cutter approach" to charter schooling.[30]

Linda Jacobson has written about the difficulties in assessing innovation and success in charter schools. The objectivity of those observing charter school experience has been questioned. Advocates such as Joe Nathan advised the *Four Year Study*, and the sponsoring Clinton Administration is clearly on record as supporting charter school

expansion. The tests taken by students in charter schools are not necessarily the same as those used in the public system. Charter school pioneer Louann Bierlein has noted that charters sponsored by school boards are more likely to grant charters to schools that will not provide strong competition, while charter schools sponsored by other agencies such as universities and state bodies "are beginning to resemble traditional schools."[31]

Parental Control

On this question, the evidence is much more compelling, as study after study shows high levels of parental satisfaction with charter schools. The *Four Year Study* reports that 70% of operating charter schools report that they have a waiting list, as demand for their product exceeds supply.

Serving Special Populations / Selectivity

As noted in the data from the *Four Year Study*, charter schools seem to be attracting a smaller proportion of students with disabilities, but a larger portion of children from minority communities and from poor families. Whether this means the glass is half full or half empty seems to be a matter of perspective. For advocates such as Joe Nathan, these data are evidence of the ability of charter schools to reach out to those not well served by traditional schooling, and they refute those "who feared that most of these schools would serve affluent, successful students, becoming 'taxpayer-supported elitist academies.'"[32] Countering this assessment, Good and Braden argue that "charter schools in general have further segregated students on the basis of income level, ethnicity, and special needs. Some charter schools have even been organized around parents' cultural and religious beliefs."[33] Casey Cobb and Gene Glass have conducted a study of Arizona charter schools (Arizona is the state with the largest percentage of students in charter schools) which concluded the following:

> Nearly half of the charter schools exhibited evidence of substantial ethnic separation. Arizona charter schools not only contained a greater proportion of White students, but when comparable nearby traditional public schools were used for comparison, the charters were typically 20 percentage points higher in White enrollment than the other publics. Moreover, the charter schools that had a majority of ethnic minority students enrolled in them tended to be either vocational secondary schools that do not lead to college or 'schools of last resort' for students being expelled from the traditional public schools. The degree of ethnic separation in Arizona schools is large enough and consistent enough to warrant concern among education policymakers.[34]

Of course, even if this assessment is accurate, it may be judging features that are unique to Arizona's charter schools. A study by professor Amy Wells concluded "that charter schools in three California districts predominantly existed in wealthy neighborhoods

where parents had high educational levels."[35] The National Education Association (NEA), in a 1999 Issue Paper, called for stronger requirements for Charter Schools to comply with the *Individuals With Disabilities Education Act (IDEA)*.[36]

Autonomy / Accountability Trade-Off

According to *The State of Charter Schools 2000*, a selected sample of charter schools "reported monitoring in the areas of school finances (94 percent), compliance with state or federal regulations (88 percent), student achievement (87 percent) and student attendance (81 percent)." At the same time the Report notes that "State legislation and regulatory practices differ greatly across states, and charter schools reported varying amounts of external monitoring as well as variation in which areas were monitored." Four states (Florida, Minnesota, North Carolina, and Wisconsin) representing 195 schools reported less than 55% monitoring in each of the areas.[37] One drawback to this data is that it relies on self-reporting by charter school operators, who are not likely to highlight any lack of accountability on their part.

The NEA, which supports charter schools, nonetheless has called for legislation that would strengthen the reporting obligations of charter schools, and make information about all their activities open to the public: "Charter school laws without adequate accountability measures open the door to gross abuses that hurt students."[38] This issue is a critical one, because many organizations that strongly support the growth of charter schooling, such as the Center for Education Reform (CER), consistently call for so-called 'strong' laws, which turn out to be legislation that maximizes the autonomy of charter schools. When the NEA recommends 'stronger' charter school legislation, in order to restrict autonomy and strengthen accountability, it is urging policy makers to enact what the CER would call 'weak' charter schooling laws.

Similarly, Good and Braden argue that charter schools "represent a mechanism for encouraging innovation, especially in inner-city schools ... *with modified legislation*." Their recently published book (*The Great School Debate: Choice, Vouchers, and Charters*) suggests that a variety of reforms in state laws and supervisory mechanisms is necessary.[39] The shift downwards of the CER rankings of legislation in several states suggests that some of this reform may have occurred.

Even strong supporters of charter schooling, such as the authors of the Hudson Institute report *Charter Schools in Action* (1997), identify accountability as one of the main problems the movement faces:

> Yet today, it's hard to know-at either the "macro" or "micro" level-how well America's charter schools are actually doing. The evidence remains fragmentary. Much of the desired data simply does not yet exist. Part of the reason is that the charter strategy remains so new that it's hard to gauge its results. But part of the explanation is that today's charter-school accountability systems remain underdeveloped, often clumsy and ill-fitting, and are themselves beset by dilemmas.

As they note, part of the problem is with the charter legislation itself and its administration by the state: "we have not found a single jurisdiction with a well-formed plan for dealing with problem schools or outright failures. Few even have an adequate monitoring program to pick up early warnings of schools in trouble."[40]

The challenge, as noted earlier, is the trade-off between autonomy and accountability. For charter schools to work, they require autonomy to engage in innovative education practices; at the same time, this autonomy must not serve as a means to engage in questionable practices. For example, should charter schools be a means to free operators from the constraints imposed by teachers' unions? If this is the effect, will it mean that charter schools attract superior or inferior teachers? The *Third Year Report* (1999) of the Four Year Study noted that of 24 states with operating charters, 14 required teacher certification. Nonetheless, of these, four states had at least 10% fewer certificated teachers in charter schools than in the public system generally. Another 10 states did not require teachers to be certificated, and all employed at least 10% fewer certificated teachers in charter schools than in the public system generally.

It should be noted that federal start-up funding for charter schools has been predicated from the outset (1994) on schools meeting criteria such as compliance with civil rights laws, having free tuition, and remaining non-sectarian. More recent changes have increased the funding for schools if the state charter legislation meets particular criteria, and require schools to participate in state assessments.[41]

Efficiency

As with many other areas, the evidence on this aspect of charter school performance tends to be anecdotal rather than systematic. Good and Braden report that "charter schools, as a group, have led to the transfer of a significant portion of states' funds from instructional to administrative costs. Hence, to date, charter schools have increased administration costs."[42] The data on which this conclusion is based are not disclosed, but intuitively, it stands to reason that the economies of scale that a school board might achieve would be denied to charter schools, each of which must provide its own administration functions. The administrative load that operators must bear is often cited as a reason for poor reporting of administrative and education data to external authorities.

In addition, the suggestion has been made that education visionaries who establish charter schools may not have the "business, management, and legal expertise necessary to operate what amounts to a small business."[43]

7.3 Charter Schools: As Yet Unproven

Despite extensive debate, and an expanding body of literature on charter schooling, the experience of charter schools in the U.S. to date cannot be said to confirm either the promises of their supporters, nor the fears of their detractors. Part of the reason for this is that the bulk of schools have been operating less than five years. Part also, is the great diversity in state legislation: the success or failure of charter schooling in any one jurisdiction may simply reflect the adequacy or inadequacy of state laws, or of the particular balance of state monitoring and support, not of the concept in general. If

charter schools are to provide diverse, innovative experiments in education delivery, then it may well be that we will never be in a position to generalize about them, and it also follows that failures should be expected and even welcomed (for the lessons learned from them) along with successes.

The assessment of charter schooling can be crudely divided into two elements: its administrative successes or failures, and its achievement (or not) of improved educational results, the latter being measured not only in terms of charter school performance, but also with respect to improved practices in traditional public schooling. The strongest data, and the clearest lessons learned on the basis of U.S. experience of charter schooling to date, focus on the former: the challenges of implementing and running charter schools. What still remains very unclear—and it might be argued that for policy makers this is the most crucial information—is the ability of charter schools to make a real difference in education outcomes, for their own students, and for public education in general.

The difficulties documented with charter schools in the United States have reinvigorated debate over state regulation of them. For example, a senior social scientist with RAND Corp. and two education professors recently argued that if charter schools do become more widespread, there will need to be some means of community oversight to "ensure that there is a school for every student, that parents get help validating schools' claims, and that there is some connection between what students are taught at one level of education (for example, elementary school) and what the next higher level of education requires." Similarly, a further proliferation of charter schools will lead to increased demand for such things as external start-up capital, liability insurance, legal advice and other administrative and logistics support—all of which are typically more efficiently provided through a central source. These education experts argue that the best balance of private and public interests is to see charter schools as a means "to transform local boards from operators of a highly regulated bureaucracy to managers of a system of individual schools each with its own mission, clientele and basis of accountability."[44]

8. Charter Schools in Canada

As elsewhere, interest in charter schools in Canada has been part of a broader debate on the directions and need for reform of public education, and represents one option within the broader movement for 'school choice'. As in the U.S., there are prominent proponents and critics of charter schooling, although institutions and organizations tend to divide on the issue on more predictably ideological grounds in Canada. Conservative institutes like the Fraser Institute are among the strongest voices for charter schooling, while teacher unions are invariably and implacably opposed. The Society for the Advancement of Excellence in Education (SAEE), based in British Columbia, is the Canadian equivalent of the U.S. Center for Education Reform (CER), strongly advocating school choice in general and charter schools in particular.

One of the most prominent proponents, Dr. Joe Freedman, has played a key role in building support for the basic idea, publishing a booklet arguing that charter schools can be a key means to break the "educational gridlock" that has been preventing significant education reform.[45] Murray Dobbin has been the most vocal critique of charter schools in Canada, with a report originally commissioned by the Ontario Secondary School

Teachers Federation and published by the Canadian Centre for Policy Alternatives.[46] In it, Dobbin stresses that models from other countries (primarily the United Kingdom and New Zealand), with very different education systems and problems, cannot simply be transferred to Canada. He rejects as overstated and unfounded charter school proponents' criticisms of the public education system, but nonetheless argues that these concerns need to be taken seriously. Reform of the public system to make it more flexible and responsive remains a key challenge.

8.1 Alberta

In 1994 Alberta became the first (and as yet only) province to enact legislation allowing charter schools, "as part of the move to expand the range of educational opportunities for Alberta students."[47] The rationale for and expectations of charter schools are set out by the Ministry of Education as follows:

> Charter schools are part of the public education system and were set up to encourage innovative ways to improve student learning. They offer different or enhanced education programs, delivery methods or learning environments, and are only established when there is significant community support. Parents who choose to have their child educated in a charter school commit to being an active partner in that school.[48]

Alberta legislation made provision for a maximum of 15 charter schools. In 1997-98, 12 schools were operation; in the current 1999-00 school year, only 10 schools are operating. These schools range in size from 78 to 384 students, and serve a total enrollment of 2,069 students with an average enrolment of 207. Charter schools in Alberta serve 0.38% of the province's 549,064 students enrolled in public education.

As required by the legislation, all emphasize academic achievement, but the focus varies. Two schools target gifted children, one focuses on children whose first language is not English, one targets 'at risk' teens, another 'underachievers or those at risk of underachieving,' several stress a structured learning environment, and one combines basic education with a music curriculum based on the Suzuki method.[49] The most recent to open is operated by the Science Alberta Charter School Society.

Alberta's Charter School Legislation

Under the criteria which have been applied to evaluate the strength or weakness of U.S. state charter school legislation, the Alberta legislation would probably be judged a weak law. That is to say, it is fairly restrictive in terms of the conditions that charter schools must satisfy and limiting in terms of the number of schools and their funding. Although the Alberta charter school initiative has been criticized by many within the Canadian education establishment, the 'weakness' of Alberta's law should be, from the perspective of those worried about educational quality and integrity, a plus. Features of the Alberta regulations include the following:

- *Limited number of schools.* According to the legislation, a maximum of 15 charter schools may be operating in the province.
- *Limited chartering authority.* A charter is an agreement between either a school board or the Minister and an individual or group which sets out the unique services to be offered, how the school will operate and the student outcomes it intends to achieve;
  - Those wishing to establish the school are expected to consult with the local school board, become incorporated, hold public meetings and formally apply to the local board.
  - School boards consider and approve the applications.
  - If the school board rejects a proposal, the proponents can apply directly to the Minister.
- *Limited legal/operational autonomy.* Charter schools are governed by boards which are accountable to either the local school board or the Ministry, whichever established the school. The boards have the authority and autonomy to run the day-to-day operations of the school. Policies developed by the schools need not be congruent with those of the local school board.
- *Funding basis.* The schools are part of the public system and are funded as non-profit entities through per-pupil and other grants from the province. They must provide their own start-up funds. They must appoint an auditor and submit prescribed financial reports to Alberta Education.
- *Access.* Charter schools cannot deny students access as long as space and resources are available. They must not charge tuition fees.
- *Size.* Current regulations state that there must be a minimum enrolment of 75 students.
- *Curriculum.* The curriculum will be structured around a basic education as defined by the Alberta Ministry of Education and described in its Programs of Study and will generally meet the conditions outlined in the *Schools Act*. Students must write provincial achievement, diploma and other tests as required by the Minister.
- *Achievement.* The schools must publish annual reports describing how well students are accomplishing their educational goals.
- *Certification.* Teachers must be certified. Charter school boards must acquire the services of a Ministry-approved superintendent. The Secretary-Treasurer must be bonded and there must be a school principal. Other staffing decisions are made by the school's board of directors.
- *Non-denominational.* Charter schools may not be affiliated with a religious faith or denomination, except when established by a separate board. They are not private religious schools and are not intended to replace the services of private religious schools.
- *Demonstration of support.* Applicants are required to provide evidence of community support and of a commitment from parents and students to ensure viability.

Applicants must also substantiate the claim that their programme/methodology improves student learning.

The 'weakness' of the Alberta legislation is also confirmed by Dr. Freedman's criticism of the way Alberta has implemented charter schools: arguing that such a low cap should not have been placed on the number of schools that would be allowed, that existing schools should be allowed to convert to charter status, and that most of the charters should not have been granted to 'boutique' schools geared to special groups such as disaffected teenagers.[50] On the other hand, the extensive provisions and safeguards built into the Alberta legislation might be expected to help the province's charter schools avoid some of the problems (noted above) encountered in the U.S. experience. They may also account for the consistent operation to date of fewer than the maximum number of schools.

Alberta's Charter School Experience

Alberta's charter schools are now in their fourth year of operation. Some negative publicity tarnished the programme when the largest school (with 460 students) had its charter revoked by the Education Minister after financial and administrative irregularities led to a fiscal audit and a police investigation.[51] Despite the attention Alberta has received for undertaking it, the charter schooling experiment does not seem to have caught hold in the public imagination, and there has been considerable hostility within the province to these schools. According to a 1998 newspaper account, considerable friction developed between charter school stakeholders (mainly operators and local boards) because of the "lack of accountability, poorly defined roles and a shortage of money."[52]

In 1997, the Society for the Advancement of Excellence in Education, a pro-charter school research group in which Dr. Freedman is prominent, commissioned a two year in-depth study of Alberta's charter schools. This study's *Initial Report*, released in 1998, reported "high levels of satisfaction from parent and teacher supporters," with a majority of parents reporting "gains in student motivation and learning." Conducted by Lynn Bosetti, a professor of education at the University of Calgary, this study also reported that charter schools "face financial and regulatory obstacles that could threaten their long-term viability."[53]

In February 2000, the final report *Canada's Charter Schools at the Crossroads* was released by SAEE. Its highlights include the following conclusions:

- "Charter schools ... are founded by parents and educators committed to seeking visions of schooling they could not realize in the regular public system. ... These innovations require an extended period of time to develop and to measure."
- "Parent satisfaction levels are generally high, and 82% of parents intend to keep their children in the schools. ... Most schools are fully subscribed and a number have lengthy waiting lists."
- "There is evidence that schools as they mature are dealing more successfully with the challenges of self-governance."

- "Performance results on provincial measures of learning show that charter school students are generally achieving at least as well as students in other jurisdictions."
- "Schools need to continue the development of specific benchmarks and means of tracking student performance over the long-term for provincially required learning goals and school-specific learning goals."
- "There appears to have been little concerted effort from existing school systems to inform themselves of what is being done at charter schools."
- "Some charter schools are attracting increasing numbers of students who have been unsuccessful in the regular system. Some of these students bring with them special needs that the charter schools may be ill equipped to handle."
- "The number of charter schools in Alberta has remained very small. Ten schools have a very limited impact on the system at large."[54]

As in the U.S., charter schools in Alberta have struggled with implementation and operational issues, and Dr. Bosetti makes it clear that there has been little or no support for charter schools either from local school boards (which is predictable), or from the Education Department (which contrasts with the experience in many U.S. states). Most schools operating now are sponsored by the Minister of Education. As in the U.S., Alberta's charter schools have also been unable to demonstrate in any striking fashion that the quality of the education they deliver is superior to that of regular public schooling, nor that they have innovative practices from which traditional schooling in Alberta might benefit. On the other hand, the charter schooling experience in Alberta is only in its fourth year, and some schools have operated for only a fraction of that time.

8.2 Interest in Ontario

Increasingly, as developments in the U.S. and Alberta become more well known, charter school supporters and sceptics alike have pressed the Ontario government for some type of policy on charter schools. One of the first concrete demands came from parents at Samuel Genest, a French-language secondary school in Ottawa, who wanted the school to become a charter school in 1996. Then Minister of Education, John Snobelen was quoted in April 1996 as responding: "We've been studying charter schools. We have said that we would consider them, and so if someone sent a proposal to me for a chartered school, we'd have to look at it to see if it makes sense."[55] A second request came in February 1998 when Bob Bonisteel of the Ottawa-based Teachers for Excellence made another request for charter schools to be permitted in Ontario.[56] Then Minister of Education, David Johnson, was reported to have an open mind on the possibility of Ontario charter schools.[57]

In October 1996, a two day conference was held in Toronto entitled *Charting a New Course for Public Schools*. During the conference, sponsored by the Ontario Coalition for Education Reform and funded in part by the Donner Foundation, Dr. Joe Freedman was a key speaker. A second conference was held in February 1998.[58] Editorials arguing the pros (*London Free Press*, 11 April 1997) and cons (*Peterborough Examiner*, 27 October 1998) have appeared in the province. Lyn McLeod, MPP, then education critic for the Liberal Party, argued that charter schools, as well as private schools, would

flourish as school boards were cut under Bill 104.[59] In their December 1997 report, the Education Improvement Commission went so far as to recommend that charter schools should not receive public funding.[60]

Despite the interest in charter schools, none exist in Ontario, and both the Premier and the current Minister of Education are on record as stating that there are no plans for charter schools in Ontario. While some observers have speculated that the school councils which were mandated in the *Education Quality Improvement Act* (Bill 160) could be a basis for the creation of charter schools, there are equally compelling reasons to see charter schools as being at odds with other crucial elements of the current government's education reforms. The centralization of control over education funding, the strengthening of province-wide elementary and secondary curricula, and the funding of school operations and capital costs according to province-wide benchmarks are just three examples.

In October 1999, the Coalition for Education Reform released its 'report card' on education reform in Ontario. The coalition and Bill Robson (an economist with the C.D. Howe Institute who authored the report card) strongly support charter schools. At this time Education Minister Janet Ecker flatly rejected any move towards charter schools in the province: "We've been very clear what we're doing. We're strengthening the public education system, charter schools are not strengthening that public education system."[61]

CONCLUSION

The charter school experiment in North America is still in its early days, particularly in Canada. The record to date demonstrates that there is considerable diversity in what charter schools can offer and in what they are able to achieve. Whether these schools live up to the expectations of their supporters or realize the worst fears of their critics will depend on a variety of factors. As noted, one of the most crucial determinants is the character of the legislation establishing and regulating their charters, and even advocates of charter schooling disagree on the ideal 'strength' or 'weakness' of such laws.

The ability of charter schools to flourish will also depend ultimately on their ability to demonstrate that their autonomy can deliver a superior education to students. As yet, that has not been systematically or consistently shown. The attitudes of both political leaders and parents toward the traditional public education system will also have a bearing here. Where the *status quo* is clearly in crisis, as in many U.S. jurisdictions, implementing charter schools may not seem much of a gamble: there is little to lose. In other settings, where support for the existing public education system remains high, charter schooling will need to demonstrate its superiority in clear, objective ways.

NOTES

[1] In a 1998 document, the National Council of State Legislatures notes that "Seven years after the first charter school legislation was enacted, there is still no definitive research demonstrating the effectiveness of charter schools." National Council of State Legislatures, *Charter Schools*. Internet site at www.ncsl.org/programs/educ/c1schls.htm accessed on 5 April 2000.

[2] As of April 2000, the Alberta Department of Learning lists 10 Charter School Authorities. Internet site at http://ednet.edc.gov.ab.ca/ei/schauth/.

[3] The term 'state' is used here in the generic sense of referring to whatever jurisdiction has responsibility for legislating and regulating education policy. In Canada, this is the province, in the U.S. the state government, but in unitary constitutions such as New Zealand and the United Kingdom, the national government.

[4] Ontario's universities each operate on the basis of a charter, but the conditions that they must meet are quite limited in comparison.

[5] Murray Dobbin, *Charter Schools: Charting a Course for Social Division*, Canadian Centre for Policy Alternatives: Ottawa, 1997, p. 19.

[6] National Education Association, Press Release: *NEA Calls for Stronger Charter School Laws to Spur Innovation*, 14 April 1999. Internet site at http://www.nea.org/nr/nr990414.html accessed on 5 April 2000.

[7] The Society for the Advancement of Excellence in Education, a British Columbia based organization that promotes school choice generally and charter schools specifically, reports that projects implementing school choice have been undertaken in British Columbia and Manitoba within the existing public education systems. See Katherine Wagner, *Choice in Public Education*. Internet site at http://saee.bc.ca/art2_4.html; and Daniel Brown, *Study of Alternative Model Public Schools in B.C.: Executive Summary*. Internet site at http://saee.bc.ca/execsum.html.

[8] See Ministry of Education webpage: *School Councils*. Internet site at http://www.edu.gov.on.ca/eng/document/brochure/whosresp.html#parents.

[9] It should be noted that delivering any good at the same or better quality but more efficiently is always rational, but where efficiency is simply a byword for reducing costs, achieving it may be accompanied by reductions in quality.

[10] Dennis Willard and Doug Oplinger, "Charter Experiment Goes Awry," *Akron Beacon Journal*, December 12, 1999. Internet site at http://www.ohio.com/bj/projects/whose_choice/docs/003586.htm.

[11] Canadian Teachers' Federation, Background Document, "Ten Charter School Myths." Internet site at http://www.ctf-fce/e/what/ni/charter/myths.htm accessed on 13 November 1998.

[12] National Education Association, Press Release: *NEA Calls for Stronger Charter School Laws to Spur Innovation*, 14 April 1999. Internet site at http://www.nea.org/nr/nr990414.html accessed on 5 April 2000. What the NEA calls 'stronger' laws, the CER would call 'weaker' laws.

[13] David Hoff, "Under new budget, charter schools cash in," *Education Week*, 30 October 1996, p. 22; Joetta Slack, "Researchers recount the pluses of charter schools, " *Education Week*, 16 April 1997.

[14] U.S. Department of Education, *Fourth Year Report: The State of Charter Schools 2000*, The Department: Washington, D.C., 2000, p. 2.
[15] Joe Nathan, *Charter Schools*, p. 168.
[16] Linda Jacobsen, "Under the microscope," *Education Week*, 6 November 1996. Internet site at http://www.edweek.org/ew/vol-16/10resh1.h16.
[17] The Hudson Institute, *Charter Schools in Action Project: Final Report*, The Institute, 1997. Internet site at http://www.edexcellence.net/chart/charttoc.htm.
[18] Lynn Schnaiberg, "ED Study Paints Portrait of Charter Schools," *Education Week on the Web*, 4 June 1997. Internet site at http://www.edweek.org/ew/vol-16/36chart.h16.
[19] RPP International and the University of Minnesota, *A Study of Charter Schools: First Year Report*, U.S. Department of Education, Washington D.C., 1997, p. 40.
[20] Ibid., p. 40.
[21] Paul Berman et al., *A National Study of Charter Schools: Second-Year Report*, U.S. Department of Education, Office of Educational Research and Development, July 1998. Internet site at http://ed.gov/pubs/charter98/. See pages 3 to 8.
[22] Paul Berman et al., *A National Study of Charter Schools: Third-Year Report*, U.S. Department of Education, Office of Educational Research and Development, May 1999. Internet site at http://ed.gov/pubs/charter3rdyear/title.html.
[23] Paul Berman et al., *The State of Charter Schools 2000: Fourth-Year Report*, U.S. Department of Education, Office of Educational Research and Development, May 1999. Internet site at http://www.ed.gov/pubs/charter4thyear/d.html.
[24] Ibid., p. 5.
[25] Ibid., pp. 1-3.
[26] Joe Nathan, *Charter Schools: Creating Hope and Opportunity for American Education*, 2nd edition, Jossey-Bass: San Francisco, 1999, p. xvii.
[27] Seymour B. Sarason, *Charter Schools: Another Flawed Education Reform?*, Teachers College Press: New York, 1999, p. 103.
[28] Thomas Good and Jennifer S. Braden, "The Charter School Zeitgeist," in *Education Week on the Web*, 15 March 2000. Internet site at http://www.edweek.org/ew/ewstory.cfm?slug=27good.h19.
[29] Ibid.
[30] Dennis Willard and Doug Oplinger, "Charter Experiment Goes Awry," *Akron Beacon Journal*, December 12, 1999. Internet site at http://www.ohio.com/bj/projects/whose_choice/docs/003586.htm.
[31] Linda Jacobson, "Under the Microscope," in *Education Week on the Web*, 6 November 1996. Internet site at http://www.edweek.org/ew/vol-16/10resh1.h16.
[32] Joe Nathan, *Charter Schools*, p. 171.
[33] Good and Braden, "Charter School Zeitgeist," Op. Cit.
[34] Casey D. Cobb and Gene V. Glass, "Ethnic Separation in Arizona Charter Schools," in *Education Policy Analysis Archives*, an electronic journal. Internet site at http://epaa.asu.edu/epaa/v7n1/.
[35] Linda Jacobson, "Under the Microscope," in *Education Week on the Web*, 6 November 1996.
[36] National Education Association, Issue Paper: *Charter Schools* (1999), Internet site at http://www.nea.org/lac/papers/charter.html.
[37] *The State of Charter Schools 2000*, p. 50.

[38] NEA Issue Paper: *Charter Schools*, Op. Cit.
[39] Good and Braden, "Charter School Zeitgeist," Op. Cit.
[40] Chester Finn et al, *Charter Schools in Action*, The Hudson Institute, 1997. Internet site at http://www.edexcellence.net/chart/charttoc.htm.
[41] NEA Issue Paper: *Charter Schools*, Op. Cit.
[42] Good and Braden, "Charter School Zeitgeist," Op. Cit.
[43] RAND Corporation analyst Marc Dean Wilmot, quoted in Linda Jacobson, *Under the Microscope*, Op. Cit.
[44] Mark Millot, Paul Hill, and Robin Lake, "Charter schools: escape or reform?"
[45] Joe Freedman, The Charter School Idea: Breaking Educational Gridlock, Lethbridge, AB: Society for Advancing Educational Research, 1995; see also Adrienne Snow, "Learning to choose: break up the school boards and give choice a chance," *Next City* VI:3 (Spring 1996): 31-2.
[46] Murray Dobbin, *Charting a Course for Social Division*.
[47] Alberta Ministry of Education, "Charter Schools in Alberta," Internet site at http://ednet.edc.gov.ab.ca/parents/charterupdate.html accessed on 2 November 1998.
[48] Ibid.
[49] Ibid.
[50] Ijeoma Ross, "Albertan selling charter-school concept," *Globe and Mail*, 5 October 1996.
[51] Brian Laghi, "Closing of Calgary charter school stirs call for program's suspension," *Globe and Mail*, 27 May 1998, A4.
[52] James Clarity, "Alberta's charter schools face trouble," *The Globe and Mail*, 2 July 1998, A6.
[53] Jennifer Lewington, "Alberta charter schools need money, study finds," *Globe and Mail*, 24 November 1998, A4.
[54] Dr. Lynn Bosetti *et al*, *Canada's Charter Schools at the Crossroads: Executive Summary*, (SAEE: 2000). Internet site at http://saee.bc.ca/exec_sum.html.
[55] *Ottawa Citizen*, 3 April 1996.
[56] Joanne Laucius, "Give charter schools a chance, group says," *The Ottawa Citizen*, 14 February 1998, p.C3.
[57] Ian Urquhart, "Is there a hidden agenda?," *Toronto Star*, 19 September 1998, E1.
[58] Joanne Laucius, "Give charter schools a chance, group says."
[59] Dave Battagello, Education forum slams Tories," *Windsor Star*, 15 April 1997.
[60] Ontario, Education Improvement Commission. "Education Improvement Commission supports strong school boards and changed roles for trustees," *News Release*, 19 December 1997. Internet site at http://www.newswire.ca/releases/December1997/19/c44964.html.
[61] Caroline Mallan, "Group says Ontario failing its students; Minister rejects coalition call for charter schools in province," The Hamilton Spectator, 28 October 1999.